

## Message Text

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73

ACTION ARA-10

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03

NSAE-00 NSC-05 PA-02 PRS-01 SP-02 SS-15 SCCT-01

AID-05 EB-07 CIEP-02 TRSE-00 STR-04 OMB-01 CEA-01

COME-00 OPIC-06 NSCE-00 SSO-00 USIE-00 INRE-00 /079 W

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O 092231Z APR 76

FM AMEMBASSY CARACAS

TO SECSTATE WASHDC IMMEDIATE 2774

INFO USCINCSO

UNCLAS CARACAS 4150

EO 11652 NA

TAGS: PINS PFOR ASEC VE US

SUBJ: GOV REACTS TO FUNSETH STATEMENT

REF: STATE 84071

1. THE PRESS OFFICE OF THE PRESIDENCY LATE APRIL 8 RELEASED A COMMUNIQUE IN RESPONSE TO STATEMENTS MADE BY DEPT SPOKESMAN FUNSETH AT APR 7'S NOON PRESS BRIEFING REGARDING THE GOV'S TAKEOVER OF OWENS-ILLINOIS IN VENEZUELA. AN UNOFFICIAL TRANSLATION OF THE TEXT OF THE COMMUNIQUE FOLLOWS.

2. QUOTE: THE PRESS OFFICE OF THE PRESIDENCY OF THE REPUBLIC IN COMMENTING ON THE STATE DEPT REACTION TO THE MEASURE TAKEN BY THE VENEZUELAN GOVT IN DECIDING TO ACQUIRE THE STOCK OF OWENS-ILLINOIS INTERNATIONAL IN OWENS-ILLINOIS DE VENEZUELA, EXPRESSES THE SURPRISE OF THE VENEZUELAN GOVT THAT THE STEP HAS BEEN INTERPRETED AS THE USE OF EXPROPRIATION AS A CRIMINAL SACTION.

3. THE VENEZUELAN GOVT HAS NT ORDERED THE EXPROPRIATION OF THE STOCK OF OWENS-ILLINOIS OF THE STAE OF OHIO, NOR HAS IT TAKEN SANCTIONS AGAINST THE COMPANY.

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4. THIS COMPANY IGNORED AND DEFIED AN ORDER OF THE VENEZUELAN

GOVT ISSUED IN CONFORMITY WITH THE LAWS OF THE COUNTRY, THAT WAS EXPLICITLY COMMUNICATED TO THE EXECUTIVES OF ITS SUBSIDIARY IN VENEZUELA - TO THE EFFECT THAT THEY SHOULD NOT ALLOW THEMSELVES TO BECOME THE SPOKESMEN OF A GROUP OF DELINQUENTS THAT KIDNAPPED THE MANAGER OF OWENS-ILLINOIS DE VENEZUELA, MR WILLIAM NIEHOUS, BY PUBLISHING UNDER THEIR OWN RESPONSIBILITY IN THE NATIONAL AND INTERNATIONAL PRESS A COMMUNICATION OF SUBVERSIVE CONTENT OFFENSIVE TO THE NATIONAL INSTITUTIONS. VENEZUELAN PENAL LAW, AS IS OBVIOUS, DOES NOT REACH BEYOND NATIONAL TERRITORY AND THEREFORE THE COMPANY WHICH IS DOMICILED IN THE US AND WHICH ASSUMED THE RESPONSIBILITY OF PUBLISHING THE COMMUNICATION AGAINST THE GOVT AND CONSTITUTIONAL INSTITUTIONS OF VENEZUELA IS NOT SUBJECT TO IT.

5. ON THE OTHER HAND, JUST AS IT HAS THE POWER TO ACCEPT OR REJECT THE PRESENCE WITHIN THE COUNTRY OF A FOREIGN CITIZEN, IT MAY DETERMINE THE INCOMPATIBILITY OF THE CONTINUED STAY OR PRESENCE IN THE COUNTRY OF A FOREIGN JURIDICAL ENTITY WHICH FOR ANY REASON WHATSOEVER ACTS OUTSIDE THE NATIONAL TERRITORY IN A MANNER THAT MENACES, ENDANGERS OR IN ANY WAY PREJUDICES THE NATIONAL INTERES. ACTS OF THIS NATURE CARRIED OUT BY SUCH AN ENTITY WOULD DEMONSTRATE THAT IT DID NOT MAINTAIN THE CONSIDERATION AND PROPER OBSERVANCE DUE TO THE INSTITUTIONAL AND LEGAL SYSTEM OF THE COUNTRY, EVEN THOUGH THE ENTITY MAY NOT BE DOMICILED THERE. ACTIONALLY, IT SEEKS THE PROTECTION OF THE SAME LAWS AND AUTHORITY IT HELPS TO DISCREDIT AND PREJUDICE IN ORDER TO SUSTAIN ACITIVITES WHICH, THOUGH LEGAL, NEVERTHELSS OBLIGE IT TO SHOW RESPECT AND SOLIDARITY WITH THE AUTHORITIES, INSTITUTIONS AND THE LEGAL ORDER IT HAS TACITLY AND VOLUNTARILY ACCEPTED.

6. IT IS CLEAR THAT THE VENEZUELAN AUTHORITIES HAVE DONE AND WILL DO ALL POSSIBLE TO RESCUE THE KIDNAPPED NORTH AMERICAN CITIZEN AND SHARE THE DEEP CONCERN OF ALL THE COMMUNITY AND ESPECIALLY THAT OF THE FAMILY AND OF THE OWENS-ILLINOIS EXECUTIVES, FOR THE FATE OF MR NIEHOUS IN THE CRIMINAL HANDS WHICH DETAIN HIM. IT IS UNDERSTOOD, ALSO, THAT HIS FAMILY AND RELATIONS WOULDSEEK TO MAKE USE OF ALL POSSIBLE MEANS TO OBTAIN HIS FREEDOM, BUT THE GOVT MUST CONSIDER NOT ONLY ITS OBLIGATION TO OBEY AND SEE TO IT THAT THE LAWS AND CONSTITUTION UNCLASSIFIED

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OF THE COUNTRY ARE OBEYED, BUT ALSO MUST TAKE INTO ACCOUNT THE HIGHER INTERST OF VENEZUELAN SOCIETY WHICH CANNOT BE SUBJECT TO THE DESIGNS OF ANTISOCIAL ELEMENTS AND DELINQUENTS. EVEN LESS WHEN THEY SEEK TO IMPOSE THEIR ILLEGAL DEMANDS ABOVE THE HIGHER INTERESTS OF THE NATIONAL COMMUNITY. UNQUOTE. SHLAUDEMAN

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